

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**UNITED STATES DISTRICT COURT**  
EASTERN DISTRICT OF CALIFORNIA

ALEJANDRO CISNEROS,  
Petitioner,  
v.  
JEFF MACOMBER,  
Respondent.

Case No. 1:15-cv-01716-EPG-HC  
ORDER GRANTING EXTENSION OF  
TIME TO FILE RESPONSE TO MOTION  
TO DISMISS  
(ECF No. 20)

Petitioner is proceeding *pro se* with a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254. On January 28, 2016, Respondent filed a motion to dismiss the petition on the basis of nonexhaustion. (ECF No. 18). On February 22, 2016, Petitioner filed the instant motion, requesting the Court to stay ruling on the motion to dismiss until Petitioner receives a response from his appellate lawyer regarding proof of exhaustion. (ECF No. 20). The Court construes the instant motion as a request for extension of time to file a response to the motion to dismiss. See Castro v. United States, 540 U.S. 375, 381-82 (2003) (courts may recharacterize a *pro se* motion to “create a better correspondence between the substance of a *pro se* motion’s claim and its underlying legal basis”).

///  
///  
///

1 Good cause having been presented to the Court,

2 IT IS HEREBY ORDERED that Petitioner is granted to and including March 23, 2016, to  
3 file the response to Respondent's motion to dismiss.

4 IT IS SO ORDERED.  
5

6 Dated: February 24, 2016

/s/ Eric P. Gray  
7 UNITED STATES MAGISTRATE JUDGE  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28